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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/269,501

Applicant(s)

AKIBA, YUICHI

Examiner

Timothy L Rude

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2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1 – 13 and 17 – 22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 13 and 14 – 19 respectively of U.S. Patent No. 6292439, Akiba et al (Akiba). Although the conflicting claims are not identical, they are not patentably distinct from each other because in each case, the claim disclosed in the instant application is broader than in Akiba.

2. Claims 14 – 16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6292439, Akiba et al (Akiba) in view of Liquid Crystals, Applications and Uses, Volume 1, by Birendra Bahadur et al, 1990, (Chapters 7 and 10, especially pages 180, 242, 245, and

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270) (Bahadur). Akiba does not disclose the use of color filters in a planar array.

Bahadur teaches the longstanding and conventional use of planar arrays of red, green, and blue color filters as well as the use of cyan, magenta, and yellow color filters arranged in a given order repeatedly and regularly anywhere in the beam path.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the liquid crystal display of Akiba with the color filter planar arrays of Bahadur to achieve color effects in any of a number of ways.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5 – 7, and 9 – 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouderkirk et al, USPAT 6124971 (Ouderkirk) and further in view of Liquid Crystals, Applications and Uses, Volume 1, by Birendra Bahadur et al, 1990, (Chapters 7 and 10, especially pages 180, 242, 245, and 270) (Bahadur).

As to Claims 1 and 2, Ouderkirk discloses in claims 1, 2 and 8, (columns 16 and 17) all of the elements of claims 1 and 2, except the color filter disposed on the visible

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side of the absorption-type polarizing film, or between the absorption-type polarizing film and the reflection-type polarizing film. Bahadur teaches the use of color filters between the polarizing films on page 245. Accordingly as evidenced by Bahadur, ordinary workers in the art would recognize the benefit of color filters between the polarizing films. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the liquid crystal display of Ouderkirk with the color filter of Bahadur to achieve color effects in any of a number of ways.

As to Claim 5, Ouderkirk discloses a backlight in claim 19.

As to Claim 6, Ouderkirk discloses a translucent film (absorbing element) in claim 26.

As to Claim 7, Ouderkirk discloses an absorption-type polarizing film in claim 30.

As to Claim 9, Ouderkirk discloses a translucent film (absorbing element) in claim 26.

As to Claim 10, Ouderkirk discloses an absorption-type polarizing film in claim 30.

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As to Claim 11, Ouderkirk discloses alternate polarizer alignments in claims 20, 21, and 22.

As to Claim 12, Ouderkirk discloses alternate polarizer alignments in claims 20, 21, and 22.

As to Claims 13 – 16 and 20 – 22, Bahadur (Chapters 7 and 10, especially pages 180, 242, 245, and 270) discloses the longstanding and conventional use of planar arrays of red, green, and blue color filters as well as the use of cyan, magenta, and yellow color filters arranged in a given order repeatedly and regularly anywhere in the beam path.

As to Claim 17, Ouderkirk discloses the use of a dichroic polarizer positioned between the absorption-type polarizing film and the reflection-type polarizing film in claim 31, also column 5, lines 32 – 67 and column 6, lines 1 - 56.

As to Claim 18, Ouderkirk discloses the use of multi-layered dielectric coatings capable of reflecting a light component of incoming light, and having a specified wavelength, while transmitting light components of the incoming light at other wavelengths in column 5, lines 3 – 31.

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5. Claims 3, 4, 8, and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouderkirk in view of Bahadur as applied to claims 1, 2, 5 – 7, and 9 – 22, above, and further in view of Hisatake et al, USPAT 5731858 (Hisatake).

As to Claims 3, 4, and 8, Ouderkirk discloses in claim 8 the use of a light absorption film disposed on the reflection-type polarizing film, opposite from the visible side thereof, but Ouderkirk does not disclose the use of a light scattering film on the visible side of the absorption-type polarizing film. Hisatake discloses the use of a light scattering film on the visible side of the absorption-type polarizing film, (Figure 26, column 33, lines 40 – 49). Hisatake is evidence that ordinary workers in the art would recognize the benefit of a light scattering film on the visible side of the absorption-type polarizing film. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the liquid crystal display of Ouderkirk with the light scattering film of Hisatake to improve viewing angle.

As to Claim 19, Ouderkirk does not disclose liquid crystal type. Hisatake discloses the use of a twisted nematic liquid crystal in claim 19, also column 7, lines 48 – 50. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the liquid crystal display of Ouderkirk with the twisted nematic liquid crystal of Hisatake to achieve good contrast ratio.

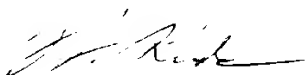
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Rude whose telephone number is (703) 305-0418. The examiner can normally be reached on Monday through Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Sikes can be reached on (703) 308-4842. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7725 for regular communications and (703) 308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Timothy L Rude
Examiner
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TLR
October 1, 2001



William L. Sikes
Patent Examiner
Technology Centre, 2600